

REMARKS

Claims 7-12, 17-19 and 21-26 are all the claims pending in the application

The disclosure has been objected to because three is an incomplete sentence at page 24, line 14. In response, applicants have amended the specification at page 24 to complete the sentence. Applicants note that the incomplete sentence is due to an error in translating the PCT application. The translation of the PCT application filed in the present application omitted a phrase that appears in the PCT translation.

Claims 7-12, 17-19 and 21-26 have been rejected as being incomplete because they do not recite a recovery step for the compound produced.

In response, applicants have amended claims 7 and 17, which are the only independent claims in the application, to recite a recovery step.

In view of the above, applicants request withdrawal of this rejection.

Claims 7, 8 and 11 have been rejected under 35 U.S.C. § 102(b) as anticipated by or in the alternative under 35 U.S.C. § 103(a) as obvious over U.S. Patent 4,734,367 to Leuenberger et al in view of the Barth et al article.

In addition, claims 17-19, 24 and 25 have been rejected under 35 U.S.C. § 103 (a) as obvious over Leuenberger et al in view of Kido et al.

Applicants submit that Leuenberger et al, Barth et al and Kido et al do not disclose or render obvious the subject matter of claims 7, 8 and 11 and, accordingly, request withdrawal of this rejection.

Each of these rejections is based on the Examiner's assertion that the cited Barth et al article discloses that a microbe belonging to the genus *Yarrowia* has also been classified as belonging to the genus *Candida* as set forth in the Abstract of Barth et al, and that the disclosure of *Candida* in Leuenberger et al, therefore, satisfies the recitations of *Yarrowia* in the present claims.

In response, applicants have amended the present claims to delete the recitations of *Yarrowia* and *Yarrowia lipolytica*. Accordingly, the present claims do not recite any of the microorganisms that are disclosed in Leuenberger et al. Therefore, Leuenberger et al do not disclose or render obvious the subject matter of the present claims. Further, Kido et al do not disclose the microorganisms that are set forth in the present claims.

In view of the above, applicants submit that Leuenberger et al, Barth et al and Kido et al do not disclose or render obvious the present invention and, accordingly, request withdrawal of these rejections.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
Application No.: 10/536,768

Attorney Docket No.: Q88078

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

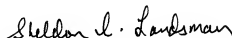
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